

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDMOND MAYNOR,

Petitioner,

v.

RONALD HAYNES,

Respondent.

CASE NO. C20-1181 BHS

ORDER ADOPTING REPORT
AND RECOMMENDATION

This matter comes before the Court on the Report and Recommendation (“R&R”) of the Honorable Mary Alice Theiler, United States Magistrate Judge, Dkt. 13, and Petitioner’s objections to the R&R, Dkt. 15.

Petitioner Edmond Maynor proceeds pro se and *in forma pauperis* in this 28 U.S.C. § 2254 habeas corpus matter and challenges his conviction for robbery and assault in the first degree. Dkt. 4. Maynor raises two grounds for relief: ineffective assistance of trial counsel and ineffective assistance of appellate counsel. *Id.* On December 11, 2020,

1 Judge Theiler issued the R&R, recommending that the Court deny Maynor's petition as
2 time barred. Dkt. 13. On December 28, 2020, Maynor filed his objections.¹ Dkt. 15.

3 The district judge must determine de novo any part of the magistrate judge's
4 disposition that has been properly objected to. The district judge may accept, reject, or
5 modify the recommended disposition; receive further evidence; or return the matter to the
6 magistrate judge with instructions. Fed. R. Civ. P. 72(b)(3).

7 Maynor objects to the R&R's conclusion that his § 2254 petition was untimely.
8 However, he does not explain how this conclusion is contrary to or an unreasonable
9 application of federal law. Rather, Maynor repeats the substantive arguments for his
10 grounds for relief. Judge Theiler carefully and correctly concluded that Maynor's
11 judgment and sentence became final on April 16, 2018 and that the one-year federal
12 statute of limitations began to run from that date. Dkt. 13 at 6. The Court thus agrees that
13 Maynor's § 2254 petition is untimely.

14 The Court having considered the R&R, Petitioner's objections, and the remaining
15 record, does hereby find and order as follows:


- 16 (1) The R&R is **ADOPTED**;
- 17 (2) Maynor's petition is **DENIED**;
- 18
- 19
- 20

21 ¹ Maynor additionally filed two motions for extension of time. Dkts. 14, 17. Maynor's
22 objections were timely filed, and therefore the motions are **DENIED as moot**.

1 (3) A Certificate of Appealability is **DENIED**; and

2 (4) The Clerk shall enter a JUDGMENT and close the case.

3 Dated this 22nd day of February, 2021.

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6 BENJAMIN H. SETTLE
United States District Judge